

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Armed Forces Bank, N.A.,
Plaintiff,
v.
DFA, LLC et al,
Defendants

Case No.: 2:13-cv-1996-JAD-CWH

Order
[41, 46, 49, 51]

On December 16, 2014, plaintiff filed four separate motions for summary judgment, and the court struck them as violations of Local Rules 7-4 and 10-3. Doc. 40. Plaintiff was given leave to file a rule-compliant motion. It did so, but plaintiff now asks for leave to file a three-page supplement to that motion to add omitted facts and law. Doc. 51.

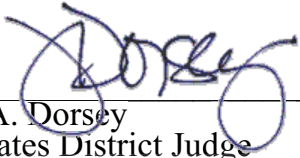
Plaintiff already had its first round of summary-judgment briefing stricken because its points were raised in a piecemeal fashion. *See* Doc. 40. Nevertheless, the court prefers to consider all relevant arguments in a single motion and not risk having plaintiff raise these new arguments in its reply brief, thereby depriving the defendants of the opportunity to respond. The request to supplement (Doc. 51) is granted in part: to permit plaintiff the opportunity to add this additional information, plaintiff's motion for summary judgment (Doc. 41) will be denied without prejudice to the filing of a new motion within 10 days that incorporates the supplemental information. Plaintiff is instructed that its motion must now incorporate this new information seamlessly into the facts and arguments, and plaintiff must also incorporate into this new filing any request for judicial notice (*see* Doc. 42) and explain how that request impacts the motion for summary judgment. Plaintiff is cautioned that further opportunities to refile this brief or supplement its summary-judgment arguments will be denied; accordingly, plaintiff should comply with all rules—particularly the 30-page-limit rule in L.R. 7-4 when submitting this new brief.

Because plaintiff will be refiling a new motion for summary judgment, the court will disregard defendants' current 43-page response brief. Doc. 50. Defendants' motion to file that 43-page brief (Doc. 49) is denied as moot. However, defendants are cautioned that the court has reviewed the original motion for summary judgment and defendants' oversized response and is not convinced that the response cannot be fully communicated in the 30 pages allowed by Rule 7-4, particularly when defendants have also filed their own, separate motion for summary judgment. Accordingly, although the motion to file a 43-page response brief is being denied as moot, defendants are cautioned that they should endeavor to file their response in 30 pages or less because the court is not likely to permit a longer response. Defendants are further cautioned that this is not a license to relegate substantive arguments in their response into single-spaced footnotes with 10-point font. And because defendants will have the opportunity to file a new opposition to plaintiff's anticipated refiled motion for summary judgment, the stipulation extending the defendants' deadline to file their previous, oversized response brief (Doc. 46) is also denied as moot.

Accordingly, IT IS HEREBY ORDERED that:

- Plaintiff's request to supplement (**Doc. 51**) is **granted in part**: plaintiff has 10 days to file a new motion for summary judgment; plaintiff's current motion for summary judgment (**Doc. 41**) is **therefore denied without prejudice**.
- Defendants' current 43-page response brief (**Doc. 50**) **will be disregarded**;
- Defendants' motion to file that 43-page brief (**Doc. 49**) is **denied as moot**; and
- The stipulation extending the defendants' deadline to file their previous, oversized response brief (**Doc. 46**) is **also denied as moot**.

DATED: January 27, 2015.



 Jennifer A. Dorsey
 United States District Judge